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3**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD FOR GRADUATED LOAD SENSITIVE TASK DISPATCHING IN COMPUTING SYSTEMS

(Attorney Docket No. 068223/0147)

the specification of which (check one)

_____ is attached hereto.

 X was filed on 3/17/2000 as United States Application Number or PCT International Application Number 09/527247 and was amended on _____ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|---------|---------------------|-------------------|--------------------------|
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I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|----------------|
| 60/125,021 | March 18, 1999 |
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| | |

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
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I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

| | |
|----------------------|-----------------|
| STEPHEN A. BENT | Reg. No. 29,768 |
| DAVID A. BLUMENTHAL | Reg. No. 26,257 |
| BETH A. BURROUS | Reg. No. 35,087 |
| ALAN I. CANTOR | Reg. No. 28,163 |
| WILLIAM T. ELLIS | Reg. No. 26,874 |
| JOHN J. FELDHAUS | Reg. No. 28,822 |
| PATRICIA D. GRANADOS | Reg. No. 33,683 |

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|---------------------|-----------------|
| JOHN P. ISACSON | Reg. No. 33,715 |
| MICHAEL D. KAMINSKI | Reg. No. 32,904 |
| LYLE K. KIMMS | Reg. No. 34,079 |
| KENNETH E. KROSIN | Reg. No. 25,735 |
| JOHNNY A. KUMAR | Reg. No. 34,649 |
| GLENN LAW | Reg. No. 34,371 |
| PETER G. MACK | Reg. No. 26,001 |
| BRIAN J. MC NAMARA | Reg. No. 32,789 |
| SYBIL MELOY | Reg. No. 22,749 |
| RICHARD C. PEET | Reg. No. 35,792 |
| GEORGE E. QUILLIN | Reg. No. 32,792 |
| COLIN G. SANDERCOCK | Reg. No. 31,298 |
| BERNHARD D. SAXE | Reg. No. 28,665 |
| CHARLES F. SCHILL | Reg. No. 27,590 |
| RICHARD L. SCHWAAB | Reg. No. 25,479 |
| ARTHUR SCHWARTZ | Reg. No. 22,115 |
| HAROLD C. WEGNER | Reg. No. 25,258 |

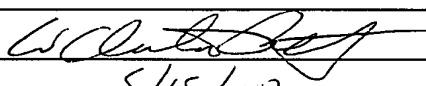
and I request that all correspondence be directed to:

William T. Ellis
 FOLEY & LARDNER
 Washington Harbour
 3000 K Street, N.W., Suite 500
 Washington, D.C. 20007-5109

Telephone: (202) 672-5485
 Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|------------------------|--|
| Name of first inventor | W. Clinton PETTY |
| Residence | Reston, VA |
| Citizenship | USA |
| Post Office Address | 2607 Deerdell Lane, Reston, VA 20191 |
| Inventor's signature |  |
| Date | 5/15/00 |

Applicant or Patentee: W. Clinton PETTY

Serial or Patent No.: 09/527,247

Atty. Dkt. No. 068223/0147

Filed or Issued: March 17, 2000

For: METHOD FOR GRADUATED LOAD SENSITIVE TASK DISPATCHING IN
COMPUTING SYSTEMS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27 (c)) — SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern
identified below:

NAME OF CONCERN CommerceQuest Inc.

ADDRESS OF CONCERN 3550 West Waters Avenue, Tampa, Florida 33614

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHOD FOR GRADUATED LOAD SENSITIVE TASK DISPATCHING IN COMPUTING SYSTEMS by inventor(s) described in

- ☐ the specification filed herewith
☒ application serial no. 09/527,247, filed March 17, 2000
☐ patent no. , issued

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). * NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities: (37 CFR 1.27)

NAME:

ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT CORPORATION

NAME:

ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT CORPORATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate: (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment,

or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: W. Clinton Petty

TITLE OF PERSON OTHER THAN OWNER: Pres.

ADDRESS OF PERSON SIGNING: 2607 Deerdell Ln / Reston VA 20191

SIGNATURE: W. Clinton Petty

DATE: 5/15/00